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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:

**LeClairRyan, PLLC,

Debtor.**

Case No.: 19-34574-KRH

Chapter 7

**Lynn L. Tavenner, as Chapter 7 Trustee,

Plaintiff,**

vs.

**ULX Partners, LLC, ULX Manager, LLC,
UnitedLex Corporation, and Gary LeClair

Defendants.**

Adv. Proc. No.: 20-03142-KRH

GARY D. LECLAIR'S MOTION TO DISMISS

Gary D. LeClair ("GDL"), by counsel, pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(7), made applicable to adversary proceedings pursuant to Federal Rule of Bankruptcy Procedure 7012(b), files this Motion to Dismiss (the "Motion") the First Amended Complaint (the "Amended Complaint") filed by Lynn L. Tavenner, as Chapter 7 Trustee (the "Trustee") of the bankruptcy estate of LeClairRyan PLLC (the "Debtor"), and in support thereof states as follows:

1. The Amended Complaint fails to state a claim upon which relief can be granted in Counts X - XIX, XXIII, XXVI, and XXIX – XXXI of the Amended Complaint, the only claims asserted against GDL. Accordingly, the Court should dismiss these claims pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable to adversary proceedings pursuant to Federal Rule of Bankruptcy Procedure 7012(b).

2. The Amended Complaint fails to join a party under Rule 19 Federal Rule of Civil Procedure, made applicable to adversary proceedings pursuant to Federal Rule of Bankruptcy Procedure 7019, required for the adjudication of the conspiracy claims (Counts XXVII-XXX). Accordingly, the Court should dismiss these claims pursuant to Rule 12(b)(7) of the Federal Rules of Civil Procedure, made applicable to adversary proceedings pursuant to Federal Rule of Bankruptcy Procedure 7012(b).

3. Pursuant to Local Rule 9013-1(G), a memorandum of points and authorities setting forth a statement of the facts and supporting reasons, along with citation of the authorities upon which GDL relies, accompanies the filing of this Motion.

WHEREFORE, Defendant Gary D. LeClair respectfully requests the Court grant this Motion to Dismiss; dismiss Counts X - XIX, XXIII, XXVI, and XXIX - XXXI of the Amended Complaint, and dismiss such other relief as may be just and proper.

Respectfully submitted this 27th day of September, 2021.

GARY D. LECLAIR

/s/ Andrew M. Bowman

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Counsel for Gary D. LeClair

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of September, 2021, I electronically filed the foregoing with the Clerk using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Andrew M. Bowman